

Appl. No. 10/740,261
Atty. Docket No. 9475
Amdt. dated October 7, 2005
Reply to Office Action of July 12, 2005
Customer No. 27752

REMARKS

Applicants' attorney wishes to thank the Examiner for his time and courteousness during the telephone conversation of September 26, 2005 during which certain proposed amendments to the claims were discussed as well as the references used in the rejection of the claims. In addition, Applicants' attorney confirmed that the Examiner's copy of the application, as filed, did not have the typographical error mentioned in the Office Action at page 1, paragraph 1.b).

Claims 1-6 and 8-15 and 17-20 are pending in the present application. No additional claims fee is believed to be due.

Claims 7 and 16 have been canceled, without prejudice.

Claim 1 has been amended to include the limitations of originally filed Claim 16 as well as a limitation related to differential basis weight. Specifically, Claim 1 has been amended to include the limitations that the layer including the mixture of synthetic fibers and short cellulosic fibers forms a non-random pattern and has regions of different basis weight. Support for the amendments can be found throughout the specification (e.g. page 10, lns. 10-33) and in original Claim 16.

Claims 2 and 3 have been amended to more specifically characterize the invention. Specifically, the claims have been amended to make it more clear that the fiber length ratio referred to in the claims is the synthetic fiber length to cellulosic fiber length ratio. Support for these amendments is found at page 7, lines 20-24 of the specification.

It is believed the proposed amendments to the specification and the claims do not involve any introduction of new matter. Consequently, entry of the changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102(b) Over U.S. 5,538,595

Claims 1, 5-7 and 16-20 have been rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. 5,538,595 to Trokhan et al. (hereinafter referred to as "Trokhan"). Applicants' attorney respectfully traverses the rejection and requests its reconsideration and withdrawal.

Claim 1, as amended, requires a fibrous structure comprising at least two layers wherein at least one of the layers of the structure includes long cellulosic fibers and at least

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one of the layers includes a mixture of short cellulosic fibers and synthetic fibers. The layer including the mixture of synthetic fibers and short cellulosic fibers forms a non-random pattern and has regions of different basis weight.

The cited portions of the Trokhan reference do not teach or suggests a fibrous structure comprising at least two layers wherein at least one of the layers of the structure includes long cellulosic fibers and at least one of the layers includes a mixture of short cellulosic fibers and synthetic fibers, wherein the layer including the mixture of synthetic fibers and short cellulosic fibers forms a non-random pattern and has regions of different basis weight. In fact, the Trokhan reference seems to teach away from such a fibrous structure. For example, at column 18, lines 48-62, the Trokhan reference teaches that the Fourdrinier wire must be of a fine mesh having relatively small spans with respect to the lengths of the fibers constituting the short fibers of the furnish so that good formation will occur and the foraminous carrier fabric should have a fine mesh having relatively small openings with respect to the average lengths of the fibers constituting the long fiber furnish to substantially obviate bulking the fabric side of the embryonic web into the inter-filamentary spaces of the fabric. Thus, the Trokhan reference is teaching a method of making a web that would not likely have any significant differential basis weight in the layer of the web provided near the forming fabric. Therefore, not only does the Trokhan reference fail to teach or suggest the claimed invention, as amended, but teaches away in a sense that no one of ordinary skill in the art would look to combine the Trokhan reference with any other of the cited references to provide the structure of the present invention.

Accordingly, Applicants' attorney respectfully requests that the rejection be withdrawn and that the claims be allowed.

Rejection Under 35 USC §103(a) Over U.S. 5,538,595 in view of U.S. 5,516,580

Claims 2-3 and 8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 5,538,595 to Trokhan as applied to claims 1, 5-7 and 16-20 above, and further in view of U.S. 5,516,580 to Frenette et al. (hereinafter referred to as "Frenette"). Applicants' attorney respectfully traverses the rejection and requests its reconsideration and withdrawal.

For the reasons set forth above with respect to the Trokhan reference, Applicants' attorney believes that the Trokhan reference fails to teach or suggest the structure of the present invention and that there would be no motivation to combine the Trokhan reference with any of the other references cited in the Office Action. Further, the cited portions of the Frenette reference do not teach or suggests a fibrous structure comprising at least two layers

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wherein at least one of the layers of the structure includes long cellulosic fibers and at least one of the layers includes a mixture of short cellulosic fibers and synthetic fibers, wherein the layer including the mixture of synthetic fibers and short cellulosic fibers forms a non-random pattern and has regions of different basis weight. For example, the Frenette reference is directed to a particular type of fibrous insulation. There is nothing in the Frenette reference that teaches or suggests layering or the particular layering and structure of the present invention. Thus, neither of the references, alone, teach or suggest the claimed invention. Further, there is no reason that one of ordinary skill in the art would combine the references as the Office Action has, and even if one were to do so, the claims would not be taught or suggested by the combination.

Accordingly, Applicants' attorney respectfully requests that the rejection be withdrawn and that the claims be allowed.

Rejection Under 35 USC §103(a) Over U.S. 5,538,595 in view of WO 93/14267

Claims 4 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 5,538,595 to Trokhan as applied to claims 1, 5-7 and 16-20 above, and further in view of WO 93/14267 to Manning. Applicants' attorney respectfully traverses the rejection and requests its reconsideration and withdrawal.

As noted above, the Trokhan reference, Applicants' attorney believes that the Trokhan reference fails to teach or suggest the structure of the present invention and that there would be no motivation to combine the Trokhan reference with any of the other references cited in the Office Action. Further, the cited portions of the Manning reference do not teach or suggests a fibrous structure comprising at least two layers wherein at least one of the layers of the structure includes long cellulosic fibers and at least one of the layers includes a mixture of short cellulosic fibers and synthetic fibers, wherein the layer including the mixture of synthetic fibers and short cellulosic fibers forms a non-random pattern and has regions of different basis weight. Thus, neither of the references, alone, teach or suggest the claimed invention. Further, there is no reason that one of ordinary skill in the art would combine the references as the Office Action has, and even if one were to do so, the claims would not be taught or suggested by the combination.

Accordingly, Applicants' attorney respectfully requests that the rejection be withdrawn and that the claims be allowed.

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Rejection Under 35 USC §103(a) Over U.S. 5,538,595 in view of U.S. 4,202,959

Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 5,538,595 to Trokhan as applied to claims 1, 5-7 and 16-20 above, and further in view of U.S. 4,202,959 to Henbest et al. (hereinafter referred to as "Henbest"). Applicants' attorney respectfully traverses the rejection and requests its reconsideration and withdrawal.

As noted above, the Trokhan reference, Applicants' attorney believes that the Trokhan reference fails to teach or suggest the structure of the present invention and that there would be no motivation to combine the Trokhan reference with any of the other references cited in the Office Action. Further, the cited portions of the Henbest reference do not teach or suggests a fibrous structure comprising at least two layers wherein at least one of the layers of the structure includes long cellulosic fibers and at least one of the layers includes a mixture of short cellulosic fibers and synthetic fibers, wherein the layer including the mixture of synthetic fibers and short cellulosic fibers forms a non-random pattern and has regions of different basis weight. Thus, neither of the references, alone, teach or suggest the claimed invention. Further, there is no reason that one of ordinary skill in the art would combine the references as the Office Action has, and even if one were to do so, the claims would not be taught or suggested by the combination.

Accordingly, Applicants' attorney respectfully requests that the rejection be withdrawn and that the claims be allowed.

Rejection Under 35 USC §103(a) Over U.S. 5,538,595 in view of
U.S. 5,516,580 or WO 93/14267

Claims 10-12 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 5,538,595 to Trokhan as applied to claims 1, 5-7 and 16-20 above, and further in view of any one of U.S. 5,516,580 to Frenette or WO 93/14267 to Manning. Applicants' attorney respectfully traverses the rejection and requests its reconsideration and withdrawal.

As noted above, the Trokhan reference, Applicants' attorney believes that the Trokhan reference fails to teach or suggest the structure of the present invention and that there would be no motivation to combine the Trokhan reference with any of the other references cited in the Office Action. Further, the cited portions of the Frenette and Manning references, alone, or in combination with each other and/or Trokhan, do not teach or suggests a fibrous structure comprising at least two layers wherein at least one of the layers of the structure includes long cellulosic fibers and at least one of the layers includes a mixture of

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short cellulosic fibers and synthetic fibers, wherein the layer including the mixture of synthetic fibers and short cellulosic fibers forms a non-random pattern and has regions of different basis weight. Thus, since none of the references, alone, teach or suggest the claimed invention, there must be some motivation to combine the references. In this case, there is no reason that one of ordinary skill in the art would combine the references as the Office Action has, and even if one were to do so, the claims would not be taught or suggested by the combination.

Accordingly, Applicants' attorney respectfully requests that the rejection be withdrawn and that the claims be allowed.

Rejection Under 35 USC §103(a) Over U.S. 5,538,595 in view of
U.S. 5,405,499 or U.S. 5,409,572

Claims 13-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 5,538,595 to Trokhan as applied to claims 1, 5-7 and 16-20 above, and further in view of any one of U.S. 5,405,499 to Vinson or U.S. 5,409,572 to Kershaw et al. (hereinafter referred to as Kershaw). Applicants' attorney respectfully traverses the rejection and requests its reconsideration and withdrawal.

As noted above, the Trokhan reference, Applicants' attorney believes that the Trokhan reference fails to teach or suggest the structure of the present invention and that there would be no motivation to combine the Trokhan reference with any of the other references cited in the Office Action. Further, the cited portions of the Vinson and Kershaw references, alone, or in combination with each other and/or Trokhan, do not teach or suggests a fibrous structure comprising at least two layers wherein at least one of the layers of the structure includes long cellulosic fibers and at least one of the layers includes a mixture of short cellulosic fibers and synthetic fibers, wherein the layer including the mixture of synthetic fibers and short cellulosic fibers forms a non-random pattern and has regions of different basis weight. Thus, since none of the references, alone, teach or suggest the claimed invention, there must be some motivation to combine the references. In this case, there is no reason that one of ordinary skill in the art would combine the references as the Office Action has, and even if one were to do so, the claims would not be taught or suggested by the combination.

Accordingly, Applicants' attorney respectfully requests that the rejection be withdrawn and that the claims be allowed.

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Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of the rejections, entry of the amendments presented herein, and allowance of Claims 1-6, 8-15 and 17-20 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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